

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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| In the Matters of |) | |
| |) | |
| Telecommunication Carriers Eligible for Universal Service Support |) | WC Docket No. 09-197 |
| |) | |
| Federal-State Joint Board on Universal Service |) | CC Docket No. 96-45 |

ORDER

Adopted: January 14, 2011

Released: January 14, 2011

By the Chief, Telecommunications Access Policy Division, Wireline Competition Bureau:

1. In this order, we approve the requests of Sprint Nextel Corporation (Sprint Nextel) to relinquish the eligible telecommunications carrier (ETC) designations of its affiliate NPCR, Inc. d/b/a Nextel Partners (Nextel) in Florida and Tennessee, as well as the ETC designations of Sprint Nextel's affiliate Sprint Corporation (Sprint) in Florida, North Carolina, and Tennessee.¹

2. Section 214(e)(6) of the Communications Act of 1934, as amended (Act), authorizes the Commission to designate a carrier as an ETC when a state commission lacks jurisdiction.² Section 214(e)(4) of the Act provides that the Commission shall permit an ETC to relinquish its designation "in any area served by more than one" ETC so long as "the remaining [ETCs] ensure that all customers served by the relinquishing carrier will continue to be served."³

3. By order dated August 25, 2004, the Wireline Competition Bureau designated Nextel as an ETC in several states, including, as relevant here, Florida and Tennessee.⁴ Similarly, by order dated November 18, 2004, the Wireless Telecommunications Bureau designated Sprint as an ETC in several states, including, as relevant here, Florida, North Carolina, and Tennessee.⁵ Sprint and Nextel merged to become Sprint Nextel in 2005.⁶

4. Pursuant to section 214(e) of the Act, Sprint Nextel filed, on behalf of its affiliates, notices of its intent to relinquish the affiliates' ETC designations in the states identified above.⁷ In its

¹ See Notice of Relinquishment of Eligible Telecommunications Carrier Designations on behalf of NPCR, Inc., WC Docket No. 96-45 (filed Oct. 19, 2010) (Nextel Relinquishment Notice); Notice of Relinquishment of Eligible Telecommunications Carrier Designations on behalf of Sprint Corporation, WC Docket No. 96-45 (filed Oct. 19, 2010) (Sprint Relinquishment Notice).

² 47 U.S.C. § 214(e)(6).

³ 47 U.S.C. § 214(e)(4).

⁴ See *Federal-State Joint Board on Universal Service, NPCR d/b/a Nextel Partners Petition for Designation as an Eligible Telecommunications Carrier in the State of Alabama, et al.*, CC Docket No. 96-45, Order, 19 FCC Rcd 16530 (Wireline Comp. Bur. 2004).

⁵ See *Federal-State Joint Board on Universal Service, Sprint Corporation Application for Designation as an Eligible Telecommunications Carrier in the State of Alabama, et al.*, CC Docket No. 96-45, Order, 19 FCC Rcd 22663 (Wireless Telecomm. Bur. 2004).

⁶ See *Applications of Nextel Communications, Inc. and Sprint Corporation for Consent to Transfer Control of Licenses and Authorizations*, WT Docket No. 05-63, Memorandum Opinion and Order, 20 FCC Rcd 13967 (2005).

⁷ See generally Nextel Relinquishment Notice; Sprint Relinquishment Notice.

filings, Sprint Nextel demonstrates that various carriers are designated as ETCs in the areas in which it seeks to relinquish its designations.⁸ Sprint Nextel also indicates that it will continue to offer service on a non-ETC basis in these areas.⁹ Finally, Sprint Nextel has indicated that it will provide written notice to each of its current Lifeline customers, advising the customer that while the company will discontinue providing Lifeline service, Lifeline discounts may be obtained from another ETC.¹⁰ Based on these circumstances, we find it appropriate to grant Sprint Nextel's request to relinquish its designations.

5. IT IS ORDERED that, pursuant to the authority contained in section 214(e)(4) of the Communications Act as amended, 47 U.S.C. § 214(e)(4), and the authority delegated in sections 0.91 and 0.291 of the Commission's Rules, 47 C.F.R. §§ 0.91, 0.291, the ETC designations of NPCR, Inc. d/b/a Nextel Partners in the states of Florida and Tennessee and the ETC designations of Sprint Corporation in the states of Florida, North Carolina, and Tennessee ARE RELINQUISHED.¹¹

6. IT IS FURTHER ORDERED that, on behalf of its affiliates, Sprint Nextel Corporation SHALL TRANSMIT a copy of this order to the Florida Public Service Commission, the North Carolina Utilities Commission, the Tennessee Regulatory Authority, and the Universal Service Administrative Company.

7. IT IS FURTHER ORDERED that, pursuant to section 1.102(b)(1) of the Commission's rules, 47 C.F.R. § 1.102(b)(1), this order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Trent B. Harkrader
Chief
Telecommunications Access Policy Division
Wireline Competition Bureau

⁸ See Nextel Relinquishment Notice at 3 (stating that other ETCs currently serve the entire service areas for which the company seeks to relinquish its designation); Sprint Relinquishment Notice at 3 (same).

⁹ See Nextel Relinquishment Notice at 2; Sprint Relinquishment Notice at 2.

¹⁰ See Nextel Relinquishment Notice at 4; Sprint Relinquishment Notice at 4.

¹¹ Accordingly, the Universal Service Administrative Company should discontinue the eligibility of study area codes 219001 and 299002, which are assigned to Nextel, and 219902, 239002, and 299004, which are assigned to Sprint.